

BANGOR TOWNSHIP ORDINANCE NO. 6

JUNK-SALVAGE YARD ORDINANCE

ADOPTED: 10-10-89

EFFECTIVE:

An ordinance to protect the health, safety and general welfare of the residents, property owners, and people within the Township of Bangor, Van Buren County, Michigan, by requiring the licensing of and regulating the operation of junk-salvage yards and related or similar types of uses, businesses and activities within Bangor Township; to prescribe rules and regulations to govern the operation of such uses, businesses and activities; to provide penalties for the violation of such rules and regulations; and to repeal all conflicting ordinances or parts of ordinances.

THE TOWNSHIP OF BANGOR,
VAN BUREN COUNTY, MICHIGAN,

ORDAINS:

SECTION I

TITLE

This ordinance shall be known and cited as the Bangor Township Junk-Salvage Yard Ordinance.

SECTION II

PURPOSE

The purpose of this ordinance is to protect the health, safety

and general welfare of the residents, property owners, and people within the Township of Bangor, Van Buren County, Michigan, by requiring the licensing of and regulating the operation of junk-salvage yards and related or similar types of uses, businesses and activities within Bangor Township; to prescribe rules and regulations to govern the operation of such uses, business and activities; to provide penalties for the violation of such rules and regulations; and to make the same supersede all ordinances or parts of ordinances in conflict herewith.

SECTION III

DEFINITION

Unless it appears in the context that a different meaning is intended, for purposes of this ordinance the following terms shall mean as follows:

A. "Person" shall mean and include any person, firm, association, partnership, corporation, or other entity of whatever nature.

B. "Junk-salvage yard" shall include any lot, field, enclosure, place or building used for the collecting, buying, storing, selling, salvaging, disposing, dismantling, wrecking, sorting, processing, fabricating, repairing or reforming of automobiles, vehicles, trailers, or parts thereof, or scrap, waste or damaged iron, steel, copper, brass, zinc, tin, lead, rope, rubber, rags, paper, glass, or any other scrap or waste material

of any kind (~~for commercial business purposes~~); and shall also include any premises upon which five or more inoperable, unlicensed, or partially or wholly dismantled automobiles, vehicles or trailers are parked, stored or otherwise disposed of outside of a wholly enclosed structure, (~~whether or not for commercial business purposes.~~) The foregoing shall not include licensed automobile service or repair garages, licensed used car businesses operating in the Township at the time of adoption of this ordinance or equipment and machinery used in agricultural operations and activities.

SECTION IV

PERMIT REQUIREMENT

No person shall own, maintain or operate within Bangor Township a junk-salvage yard or related or similar type of use, business or activity until an annual permit therefor has first been obtained from the Township as herein provided.

SECTION V

PERMIT APPLICATION AND ISSUANCE PROCEDURES

A. The application for a junk-salvage yard permit shall be made to the Township Clerk by the owner of the property at issue, or his/her authorized agent, in writing and on a form prescribed by the Township, and accompanied by an annual permit fee of \$25.00 or pro rata portion thereof for the first year, which

shall be returned to the applicant if the permit is not issued. The permit fee shall be for the purpose of assisting and defraying the cost to the Township of periodic inspections of the junk-salvage yard to insure compliance at all times with the provisions of this ordinance. The application shall be subscribed and sworn to by the applicant and filed with the Township Clerk, who shall arrange for review and consideration of the application by the Township Board at a regular meeting of the Board or a special meeting of the Board called for that purpose.

B. The Township Board shall not issue a junk-salvage yard permit unless it determines that the rules and regulations set forth in this ordinance and any other applicable Township, ordinance have been or will be fully complied with.

C. Every permit issued by the Township shall be on a form prescribed by the Township Board, and shall be signed by the Township Clerk and counter-signed by the Township Supervisor. Junk-salvage yard permits shall not be transferable, and shall expire on the 15th day of January of each year following the issuance thereof. Permits may be renewed upon payment of the \$25.00 annual fee and continued compliance with the ordinance.

SECTION VI

RULES AND REGULATIONS

No junk-salvage yard shall be allowed to be operated or maintained within Bangor Township unless it complies at all times

with the following rules and regulations:

A. All material located upon the premises shall be stockpiled in a neat and orderly manner or shall be contained within enclosed storage buildings except when being loaded, unloaded, and/or being actively worked upon.

B. All outdoor storage or processing of materials shall be screened from adjoining properties and public highways by a hedge, fence or other natural or artificial barrier. Such screening shall be constructed and maintained in an attractive manner, shall be at least eight feet high, and shall be of sufficient density and height to accomplish the complete screening of the outdoor operations and storage from view of adjoining properties and public highways.

C. No debris or material shall be burned upon the premises which by reason of excessive smoke or odor is offensive or may tend to be offensive to the surrounding area, except upon prior written approval of the Township Fire Department. No fire shall be allowed to continue unattended or to be lighted in violation of any rule, regulation or law of the State of Michigan, County of Van Buren, or Township of Bangor.

D. Unsalable or unusable material shall not be deposited upon the premises except where the same is so commingled with salable or usable material that it can not easily or conveniently be previously separated off the premises.

E. Off-street parking for customers and employees,

sufficient to take care of the greatest number of vehicles which might reasonably be expected to be on the premises at any given time shall be maintained on the premises by the owner or operator. Each parking space shall not be less than 10 feet by 20 feet in size, exclusive of driveways thereto.

F. Such operation shall be equipped with a permanent office building for the transaction of business with customers and suppliers.

G. No dangerous, unhealthy, or hazardous condition shall be allowed to exist upon the premises.

H. Any storage buildings or office buildings located upon the premises shall be constructed according to all applicable Township-County-State building and other construction codes; shall be constructed of standard building materials customarily designed for building construction and shall be fully painted or colored an unobtrusive and subdued color.

I. No buildings, required screening, storage or dismantling activities, or other activities associated with the operations of the junk-salvage yard shall be conducted within 10 feet of the boundary lines of adjacent properties.

J. No buildings, required screening, storage or dismantling activities, or other activities associated with the operations of the junk-salvage yard shall be located within 300 feet of a pre-existing dwelling structure.

K. All buildings and outdoor storage shall also be so

located as to minimize any adverse effect of such outdoor storage upon adjoining property owners or occupants and upon the public on adjoining highways without thereby creating undue business hardship.

L. None of the operations of the junk-salvage yard, including any storage or dismantling activities, shall be conducted in a public right-of-way, or in such a manner as to obstruct sidewalks, streets, alleys or right-of-way.

M. The junk-salvage yard shall not operate between the hours of 10:00 p.m. and 7:00 a.m. The junk-salvage yard shall have at least one qualified adult person on duty supervising operations on the premises during all hours that the junk-salvage yard is open for business.

N. The junk-salvage yard activities shall not create an unreasonable disturbance to adjoining residents by reason of excessive noise or disagreeable odors or fumes.

O. No junk-salvage yard shall be used as a landfill or other dumping ground for waste of any nature.

P. Upon vacating or abandoning a site for junk-salvage yard purposes, all junk, automobiles or parts thereof, and any other scrap or material of whatever nature shall be forthwith removed from the premises and disposed of in a lawful manner.

Q. The Township Board may, for cause shown, grant exceptions to the regulations herein contained where the spirit, intent and purpose of these regulations will still be complied with

and an unnecessary or unreasonable hardship would otherwise exist by a strict construction and enforcement of such regulations.

SECTION VII

SUSPENSION - REVOCATION OF PERMIT

The Township Board may suspend or revoke any junk-salvage yard permit as a result of any violations of the terms and conditions of said permit or the rules and regulations specified by this ordinance. Such revocation or suspension shall be determined by the Township Board at a meeting of said Board preceded by notice to the holder of the permit of the proposed action and the time, date and place of the meeting at which the matter will be heard. At such time the holder of the permit shall have an opportunity to present any evidence or arguments on his behalf. The extent of any suspension or revocation of the permit shall be in the discretion of the Township Board, and shall be based upon the nature of the violation or violations which have occurred, the frequency thereof, and the likelihood of their correction with respect to future operations. The holder of a junk-salvage yard permit shall be entitled to at least seven days prior notice in writing delivered to the address of the permit of any proposed suspension or revocation, the alleged grounds therefor, and the time, date and place of the meeting concerning same. If the permit is suspended or revoked by the Board, the reasons for same shall be set forth in writing and mailed to the holder of the permit at his permit

address within eight days after the Township Board decision concerning same.

SECTION VIII

PENALTIES; NUISANCE

A. Violation of any provision of this ordinance shall be deemed a misdemeanor punishable upon conviction by fine or not to exceed \$100, imprisonment in the county jail for a period of not to exceed 90 days, or by both such fine and imprisonment, in the discretion of the court. Each day that a violation continues to exist shall constitute a separate offense.

B. Operation of a junk-salvage yard in violation of the regulations contained in this ordinance is hereby determined to be detrimental to the health, safety and general welfare of the inhabitants, property owners and persons within Bangor Township, and is deemed a public nuisance. Any such violation shall constitute a basis for injunctive relief against the violator from continuing said violation, in addition to any other relief or penalty herein set forth or allowed by law.

C. Any person who violates any of the provisions contained in this ordinance, whether as owner, lessee, permittee, licensee, agent, servant, or employee, shall be liable as a principal.

SECTION IX

SEVERABILITY

Should any section, clause or provision of this ordinance be declared by the courts to be invalid, such declaration shall not affect the validity of the ordinance as a whole, or any part hereof, other than the part so declared to be invalid.

SECTION X

REPEAL

All ordinances inconsistent or in conflict herewith are hereby repealed.

SECTION XI

EFFECTIVE DATE

This ordinance shall take effect 30 days after publication in a newspaper circulating within the Township of Bangor, Van Buren County, Michigan.

Date passed by Bangor Township Board

Roger Thomas,
Bangor Township Clerk